

ORDINANCE NO. 2015-59

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2015-2016 COMMENCING ON OCTOBER 1, 2015 AND ENDING ON SEPTEMBER 30, 2016, IN THE TOTAL AMOUNT OF \$98,332,954 INCLUSIVE OF THE SOLID WASTE BUDGET AS PROVIDED HEREIN; AND APPROVING WATER AND SEWER RATE INCREASES, AS ATTACHED HERETO, TO HELP OFFSET WHOLESALE SEWER RATE INCREASES IMPOSED BY MIAMI DADE COUNTY EFFECTIVE OCTOBER 1, 2015, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) ADJUSTMENT AND TO MAINTAIN PROPER RATIOS OF OPERATING REVENUES AND OPERATING EXPENSES AS REQUIRED BY LOAN AGREEMENTS AND THE SOLID WASTE BUDGET OF \$17,267,500; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, effective October 1, 2015, the Miami-Dade Water and Sewers Department has advised the City that the wholesale water rate of \$1.786 per 1,000 gallons will be decreased to \$1.7341 per 1,000 gallons from the previous year and the wholesale wastewater or sewer rates will increase from \$2.56 per 1,000 gallons on average (wet/dry seasons) to \$2.7879 per 1000 gallons (wet/dry seasons) for Fiscal Year 2015-2016; and

WHEREAS, the wholesale water rate of \$1.7341 per 1,000 gallons is established following the expiration of the wholesale water rate discount in accordance with a City-County agreement dated October 6, 2008 phasing-out the wholesale water rate discount received by the City; and

WHEREAS, the City finds that it is in the public interest to recoup and help defray any increase imposed by Miami Dade County since the City will continue to pay Miami Dade County for the purchase of its water and disposal of its wastewater; and

WHEREAS, the Department of Public Works is required by loan agreements to maintain ratios of operating income to operating expenses; and

WHEREAS, based on the City's privatization of waste collection services, the Solid Waste Division Budget, as proposed, also considers revenue from the sale of equipment and the lease of facilities, as additional revenue sources beginning on November 1, 2015; and

WHEREAS, the Solid Waste Division Budget also proposes no change in the current residential solid waste fee for the fiscal year 2015-2016; and

WHEREAS, the *Department of Public Works has budgeted positions within the Water and Sewers Division* to accommodate all full-time employees from the Solid Waste Division;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The budget of the Department of Public Works of the City of Hialeah, as attached hereto and made a part hereof, in the amount of \$81,065,454.00 for the Water and Sewers Division and \$17,267,500.00 for the Solid Waste Division, for a total budget of \$98,332,954, for the Fiscal Year 2015-2016 commencing on October 1, 2015 and ending September 30, 2016, is hereby approved and adopted.

Section 3: The City of Hialeah, Florida hereby approves the retail water and sewer rates and miscellaneous fees and charges, as adjusted for an increase in the Consumer Price Index (CPI), attached hereto and made a part hereof as Exhibit "1".

Section 4: The City of Hialeah, Florida hereby approves the water rate increase in conjunction with a Consumer Price Index (CPI) adjustment.

Section 5: *The City of Hialeah, Florida hereby approves the sewer rate increase to help offset wholesale rate increases in an amount equal to the increase in wholesale sewer rate of \$2.7879 per 1,000 gallons imposed by Miami Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) adjustment.*

Section 6: The City of Hialeah, Florida hereby confirms and approves the annual Consumer Price Index (CPI) adjustment of water and sewer rates pursuant to Hialeah Code § 94-153(c), in the amount of 1.5% designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics.

Section 7: The City of Hialeah, Florida hereby approves adjustments to water and sewer rates to maintain proper operating ratios of operating revenues to operating expenses as for Fiscal Year 2015-2016 required by covenants in its loan agreements.

Section 8: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 9: Penalties.

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

Section 10: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 11: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 24th day of September, 2015.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President

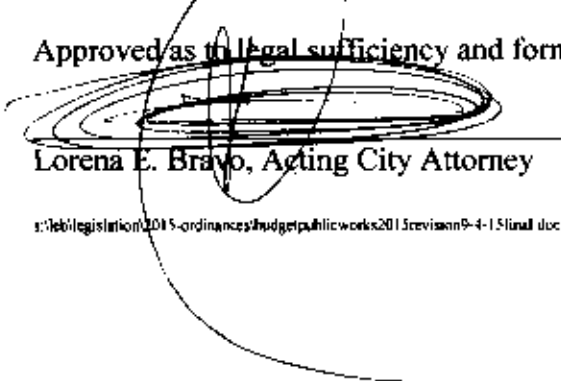
Attest:

Approved on this 28 day of September, 2015.


Marbelys Fatjo, Acting City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, Acting City Attorney

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Ordinance was adopted by a 6-0-1 vote with Council Members
Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez,
& Lozano voting "Yes", & Councilmember Cue-Fuente
absent.

City of Hialeah

Department of Public Works

Rate Charges are for units of 100 Gallons for Water and Sewers

FY 2015-2016 Retail Water and Sewers Rates

FY 2014-2015

FY 2015-2016

Service

Water

Readiness to

Serve Fees

\$4.76

\$9.52

\$4.83

\$9.66

100-5000

0.219

0.219

0.222

0.222

5000-10000

0.236

0.219

0.240

0.222

10001-20000

0.248

0.236

0.252

0.240

20001-40000

0.271

0.257

0.275

0.261

40001-50000

0.282

0.264

0.286

0.268

50001-100000

0.294

0.271

0.298

0.275

over 100000

0.294

0.294

0.298

0.298

Sewers

Readiness to

Serve Fees

\$4.92

\$9.62

\$4.99

\$9.76

100-5000

0.454

0.454

0.501

0.501

5000-10000

0.489

0.454

0.540

0.501

10001-20000

0.505

0.489

0.558

0.540

20001-40000

0.577

0.528

0.637

0.583

40001-50000

0.577

0.577

0.637

0.637

50001-100000

0.582

0.582

0.643

0.643

over 100000

0.582

0.582

0.643

0.643

Rate Charges are for units of 100 Gallons for Water and Sewers